



9/21/04

1648  
A BwIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: DeVico, et al..

Application No.: 09/684,026

Filed: October 6, 2000

Title: VIRUS COAT  
PROTEIN/RECEPTOR CHIMERAS  
AND METHODS OF USE

Customer No.: 23448

Docket No.: 4115-144

Examiner: U. Winkler

Art Unit: 1648

Confirmation No.: 3193

## EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, Mail Stop Amendment, P. O. Box 1450, Alexandria, VA, 22313-1450, and Express Mailed under the provisions of 37 CFR 1.10.

Candace White

September 1, 2004

Date

EO 002 553 523 US

Express Mail Label Number

**AMENDMENT RESPONDING TO APRIL 5, 2004 OFFICE ACTION WITH CONCURRENT  
SUBMISSION OF DECLARATION UNDER 37 CFR §1.131; SUBMISSION OF SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT AND PETITION FOR TWO MONTH  
EXTENSION IN U.S. PATENT APPLICATION NO. 09/684,026**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 5, 2004, in the above-identified U.S. Patent application,  
please amend as follows:

09/02/2004 SDENBOB1 00000115 09684026

01 FC:2252

210.00 OP

09/02/2004 SDENBOB1 00000115 09684026

02 FC:1806

180.00 OP

1

2201-43

09684026

09684026

09/15/2004 FRCRER 00000004 083204

43.00 DA

01 FC:2201

The Office is respectfully reminded that applicants previously requested rejoinder of method claims 34, 46, 49-57 and 60-65 upon allowance of the product claims. Towards that end, withdrawn method claims have been amended in a manner consistent with the pending composition claims.

Such rejoinder would be fully proper under these circumstances, for the following reasons:

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product for examination through rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

#### **Fee Payable and Petition for Two-Month Extension**

Applicants have added 6 new claims, one of which is an independent claim. However, applicants cancelled independent claim 66 and dependent claims 67-72 in an early response and as such no new fee is due for the newly added claims.

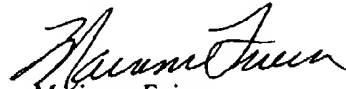
Applicants hereby petition for a two month extension of time, extending the deadline for responding to the April 5, 2004 Office Action from July 5, 2004 to September 5, 2004. The entry of this petition results in a petition fee of \$210.00. A credit card form in the amount of \$390.00 is submitted including a \$180.00 fee for the Supplemental IDS and the \$210.00 fee for the extension. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account Number 08-3284 of Intellectual Property/Technology Law.

#### **Conclusion**

Applicants have satisfied all the requirements for patentability. All pending claims are free of the art and fully comply with the requirements of 35 U.S.C. §112. It therefore is requested that Examiner Winkler reconsider the patentability of claims 1-3, 6-11, 13-16, 24 and 74-79 in light of the distinguishing remarks herein and withdraw all rejections, thereby placing the application in condition

for allowance. Notice of the same is earnestly solicited. In the event that any issues remain, Examiner Winkler is requested to contact the undersigned attorney at (919) 419-9350 to resolve same.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Marianne Fuierer', is written in black ink.

Marianne Fuierer  
Attorney for the Applicants  
Registration No. 39,983

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